

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-1141V

Filed: May 15, 2018

UNPUBLISHED

CRYSTAL ALLEN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Causation-In-Fact; Tetanus  
Diphtheria acellular Pertussis (Tdap)  
Vaccine; Shoulder Injury

*John Robert Howie, Howie Law, PC, Dallas, TX, for petitioner.*

*Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On August 23, 2017, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that, as a result of receiving a Tetanus Diphtheria acellular Pertussis (Tdap) vaccine on April 7, 2016, she suffered a Shoulder Injury Related to Vaccine Administration (“SIRVA”) to her right shoulder. Am. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 15, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent states that the Division of Injury Compensation Programs, Department of Health and Human Services has concluded that petitioner’s alleged right

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

shoulder injury was caused-in-fact by the flu vaccine she received on April 7, 2016. *Id.* at 6-7. Respondent further agrees that petitioner “suffered the sequela of her injury for more than six months after vaccination.” *Id.* at 7.

**In view of respondent’s position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master